

Exhibit No.

Date

Bill No.

Amendments to Senate Bill No. 336
1st Reading Copy

Requested by Senator Bob Keenan

For the Senate Public Health, Welfare and Safety Committee

Prepared by K.V. Aldrich
February 20, 2015 (8:38am)

1. Title, page 1, line 12.

Following: "STATEMENT;"

Insert: "AMENDING PAYMENTS THE DEPARTMENT OF PUBLIC HEALTH AND
HUMAN SERVICES IS ENTITLED TO COLLECT FROM CERTAIN
PROVIDERS;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "2-4-405"

Insert: "AND 53-6-111"

2. Page 3, line 24.

Following: line 23

Insert: "Section 3. Section 53-6-111, MCA, is amended to read:

**"53-6-111. Department charged with administration and
supervision of medical assistance program -- overpayment recovery
-- sanctions for fraudulent and abusive activities -- adoption of
rules.** (1) The department of public health and human services may
administer and supervise a vendor payment program of medical
assistance under the powers, duties, and functions provided in
Title 53, chapter 2, and this chapter and that is in compliance
with Title XIX of the Social Security Act.

(2) (a) The department is entitled to collect from a
provider, and a provider is liable to the department for:

(i) the amount of a payment under this part to which the
provider was not entitled, ~~regardless of whether the incorrect
payment was the result of department or provider error or other
cause if the incorrect payment was the result of the provider's
unreasonable interpretation of the pertinent rule or billing
code;~~ and

(ii) the portion of any interim rate payment that exceeds
the rate determined retrospectively by the department for the
rate period.

(b) For the purposes of determining whether the provider's
interpretation of a pertinent rule or billing code is
unreasonable pursuant to subsection (2) (a) (i), the provider's
interpretation is unreasonable if:

(i) it directly conflicts with a written interpretation of
the department in existence at the time of the billing for that
rule or billing code; or

(ii) if there was no written interpretation of the

or policy."

{ Internal References to 53-6-111:
53-6-104x 53-6-107x } "

Renumber: subsequent sections

- END -